IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 32634 of 2006(I)

PETITIONERS:

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1. SUJATHA, W/O.PRASANNAKUMAR,
   KALIL VEEDU (P.B. SADANAM),KOONAYIL NEDUNGOLAM P.0

2. BALAKRISHNA PILLAI P.,
   CHARUVILAPUTHEN VEEDU, KOONAYIL NEDUNGOLAM.

3. SAROJINI AMMA K.,
   CHARUVILAPUTHEN VEEDU, NEDUNGOLAM.

4. DHARMAPALAN,
   THEKKE PALAVILAVEEDU, OZHUKUPARA,
   POOTHAKULAM, KOONAYIL.

5. THULASEEDHARAN NAIR N.,
   THODIYIL VEEDU, POOTHAKULAM, PARAVOOR.

6. GOPALAN S.,
   PUTHENVILA, PADINJATTATHIL, KOONAYIL NEDUNGOLAM.

7. GOPALAN, REMANY,
   MUTHIRAVILA VEEDU, OAHUKKUPARA,
   NEDUNGOLAM P.O., PARAVOOR.

8. PONNAPPAN PILLAI,
   VADAKKEKUNNUVILA VEEDU, NEDUNGOLAM, PARAVOOR.

9. NADARAJA PILLAI G.,
   PARANKIMAMVILA VEEDU, KOONAYIL , PARAVOOR.

10. GOPINATHA PILLAI, OMANA AMMA,
    GEETHA SADANAM, ANITHA NIVAS, KOONAYIL.

    BY ADV. SRI. PRATHEESH. P

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY THE PRINCIPAL SECRETARY,
   FINANCE DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM

2. THE DISTRICT COLLECTOR,
   COLLECTORATE, KOLLAM.

3. THE SPECIAL TAHSILDAR (LA),
   K.I.P.XI, KOTTIYAM, KOLLAM.

BY GOVERNMENT PLEADER ADV. SHRI L.G. SURESH BABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/01/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

Ext. P1	:	TRUE COPY OF THE JUDGMENT OF THE ADDITIONAL SUB COURT, KOLLAM DATED 18/09/1999 IN LAR NO. 141/93.
Ext. P2	:	TRUE COPY OF JOINT APPLICATION FILED BY THE PETITIONERS UNDER SECTION 28A OF THE LAND ACQUISITION ACT DATED 09/10/2006.

/true copy/

P.A. TO JUDGE

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K.T. SANKARAN, J.

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W.P.(C) No. 32634 OF 2006

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Dated this the 23rd January, 2007

J U D G M E N T

The grievance of the petitioners is that the applications filed by them under section 28A of the Land Acquisition Act have not been disposed of by the third respondent. Lands belonging to the petitioners were acquired . They did not file applications for reference under section 18 of the Land Acquisition Act . In L.A.R.NO. 141 of 1993, compensation of land was enhanced. Based on the judgment in L.A.R. 141 of 1993, petitioners filed Ext.P2 application under section 28A of the Land Acquisition Act. The averment in the Writ Petition is that Ext.P2 application is not disposed of.

2. A counter affidavit is filed by the third respondent. It is stated therein that the lands of the petitioners Nos. 1 and 6 and a plot of land belonging to the petitioner No.10 come under the same notification as in L.A.R. 141 of 1993. The applications in respect of acquisition of lands

belonging to the petitioners Nos. 2, 3, 4, 5, 7, 8 and 9 and one plot of land of the petitioner No.10 were rejected on the ground that the notification under section 4(1) was different from the notification for acquisition in respect of the land involved in L.A.R.No. 141 of 1993. It is not stated in the counter affidavit that rejection of the applications under section 28A was intimated to those persons whose applications were rejected.

3. In the facts and circumstances mentioned in the Writ Petition as well as in the counter affidavit, there will be a direction to the third respondent to dispose of Ext. P2 application filed under section 28A, only in so far as it relates to the petitioners whose applications have not been rejected already. The applications of those petitioners shall be disposed of within a period of three months from today. As regards the petitioners whose applications were rejected, intimation thereof shall be given to them by the third respondent within a period of one month from today.

Writ Petition is disposed of as above.

K.T. SANKARAN,
JUDGE.

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